

Remarks

Cancellation and Amendment of Claims

In light of the Examiner's remarks and rejections, in addition to those claims cancelled earlier, the Applicants have cancelled claims 93 and 95 and 97-98 and amended claim 64 and added new claims 99 and 100. The Applicants respectfully request the Examiner's review of the amended and newly added Claims.

In support of the Applicants' assertion that the Claims are now in condition for allowance, the Applicants offer the following remarks and responses to the Office Action mailed on January 22, 2007.

1. Rejection under 35 USC 112, second paragraph: indefiniteness:

Claims 64 and 93 have been rejected as noted.

In response the Applicants have cancelled claim 93, thus rendering said 35 USC 112, second paragraph rejection moot as it applies to claim 93.

Further in response, the Applicants have amended claim 64 so as to address issues as follows:

- a. "it is not clear whether the second nucleic acid sequence is actually present" and further "if Applicants intend the multiple cloning site to be in-frame with the first nucleic acid sequence or whether the second nucleic acid sequence is intended to be in-frame with the first nucleic acid sequence":

Addressed by the amendment: "... a multiple cloning site in which a second nucleic acid sequence encoding ... is inserted in-frame with said first nucleic acid sequence ...".

b. "claims 95-98 are indefinite insofar as they are dependent on indefinite claims":

Addressed by cancellation of claims 95-98.

2. Rejection under 35 USC 112, first paragraph: Written Description and/or Enablement.

Claims 64, 93 and 95-98 are rejected as noted.

In response the Applicants have amended claim 64 and cancelled claims 93 and 95-98, thus rendering said 35 USC 112, first paragraph rejection moot as it applies to claims 93 and 95-98.

Further in response, the Applicants have amended claim 64 so as to address issues as follows:

a. "the Examiner further indicates that the written description does not support a vector optimized for use in "all protozoans" (and etc., pages 6 - 7):

Addressed by limitation of Claims 64 (as amended) to E. coli cells and new Claim 99 to an "E. coli expression vector". In addition, new claim 100 is limited to an "expression vector optimized for use in bacterial cells ... where the bacterial cells are selected from the group consisting of E. coli, B. subtilis, and R. eutrophus.

In further support of the above, the Applicant point out that the group of bacterial cells of new Claim 100 are those for which pET-type vectors and T7 gene expression systems have been developed and which are known to those of ordinary skill in the art. The Applicant draws the Examiner's attention to the references to T7 expression systems in *B. subtilis*: Conrad, B., et al. (1996) *Mol. Gen. Genet.* 250:230-236 and in *R. eutrophus*: Barnard, G.C., et al. (2004) *Prot. Exp. & Purif.* 38:264-271

- b. "consisting essentially of" – causes the claim to encompass a large genus of vectors:

Addressed by amendment of Claim 64 to delete "essentially of" and to not include the expression "consisting essentially of" in the newly added claims.

Thus, expression of the first and second nucleic acid sequences yields a fusion protein consisting of the peptide extension fused to the carboxyl-terminus of the protein or polypeptide of interest in all claims presently under examination.

Thus, the Applicants respectfully submit that the Claims presented herein are fully enabled by the specification and are supported in full by the written description and therefore request reconsideration and withdrawal of these rejections.

Summary

Claims remaining under consideration include currently amended Claim 64 and new Claims 99 and 100. The amendment of Claim 64 and the newly added Claims contain no new matter.

In light of the above Amendments and Remarks, applicants respectfully submit that the instant application is now in condition for allowance and solicit a timely notice of allowance.

Respectfully submitted,



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Date: July 16, 2007

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